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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,349	07/23/2003	Andrew Olcott	02103-551001 / AABOSW19	9132
26162	7590	04/17/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			PHAM, TAMMY T	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,349

Applicant(s)

OLCOTT ET AL.

Examiner

Tammy Pham

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant has elected Group II without traverse on 1/25/2006. Claims 19-46 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-24, 27-28, 30, 36, 38, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaeger et al. (US Patent No: 5,982,355).

As for claim 19, Jaeger teaches of a system for accepting user input, comprising:

a first control configured to select a media source in response to an actuation of the first control by a user;

a second control, wherein the second control has two degrees of freedom in actuation configured to choose a mode from a set of modes for the selected media source in response to an actuation of the first degree of freedom of the second control by the user, wherein actuation of the second degree of freedom by the user of the second control is configured to identify a media content item selection; and

a display for displaying one of the media source, mode and media content item in column 11, lines 15-30 and in column 13, lines 30-40.

As for claim 20, Jaeger teaches of a pressure member coupled to a plurality of switches, the pressure member having multiple sections, wherein each section of the multiple sections is associated with a switch of the plurality of switches and wherein the pressure member is positioned in relation to the plurality of switches such that when a force is applied by a user to one of the multiple sections, the pressure member transmits a resulting force to a switch associated with the one of the multiple sections thereby causing actuation of the switch associated with the one of the multiple sections in Fig. 32-33 and in column 18, lines 55-65.

As for claim 21, Jaeger teaches of a control comprises a shaft, wherein the shaft is mounted within a void of the pressure member and secured by a fastener in column 13, lines 40-50.

As for claim 22, it is inherent to have the system delays, for a predetermined time, before executing one of a user media source selection, mode selection and media content item selection.

As for claim 23, Jaeger teaches that upon the occurrence of one of a user media source selection, mode selection, and media content item selection, the system provides a sub-menu of options to the user in column 15, lines 45-5.

As for claims 24 and 28, Jaeger teaches that a display is configured to provide a visual confirmation of the media source selected {claim 24} and user input {claim 28} in column 15, lines 45-50.

As for claim 27, Jaeger teaches that the display is a touch screen and wherein the touch screen is configured to process a user input in column 18, lines 40-45.

As for claim 30, Jaeger teaches that the visual confirmation is graphic in in column 18, lines 40-45.

As for claim 36, Jaeger teaches that the system is configured to provide an audible confirmation of the media source selected in column 17, lines 5-10.

As for claim 38, Jaeger teaches that a second control is positioned in front of the display and wherein the second control accepts actuation of the second degree of freedom by the user, as a user input in column 11, lines 15-30 and in column 13, lines 30-40.

As for claim 44, Jaeger teaches that the first control has two degrees of freedom in actuation, and wherein actuation of the first degree of freedom is associated with selection of a media source, and the second degree of freedom is associated with control of system volume in column 11, lines 15-30, in column 13, lines 30-40 and in column 17, lines 5-10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-26, 29, 31-35, 37, 39-43, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger et al. (US Patent No: 5,982,355).

As for claims 25, 31, 35, Jaeger fails to teach that the display is configured to provide a visual confirmation in forms of color cue {claim 25}; color change {claims 31, 35} and text {claims 39, 33} of the media source selected.

In column 15, lines 45-50, Jaeger teaches that the display is responsive to signals from the microprocessor (media source selected) and in turns is able to display changeable graphics which may take on different forms depending on the nature of the operation. Examiner would like to point out that although Jaeger does not directly teach that the display is configured to provide a visual confirmation in forms of color cue {claim 25}; color change {claims 31, 35} and text {claims 39, 33} of the media source selected; Jaeger certainly eludes to the possibility of incorporating color and text change in response to a user input.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to provide a visual confirmation {claims 24, 28} or color cue {claim 25} or color change {claims 31, 35} of the media source selected in order to indicate to the user which input that been made.

As for claim 26, Jaeger teaches that the display provides a position indicator depicting to the user, the relative position of a selected media content item within a browsable list of media content items, wherein the position indicator is displayed in a radial format in column 17, lines 15-20.

As for claim 32, Jaeger fails to teach that at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control.

Jaeger teaches of the possibility that at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control in column 20, lines 63-65.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control as eluded to by Jaeger order to have the display be viewable to the user despite the buttons.

As for claim 34, Jaeger teaches that the visual confirmation is graphic in in column 18, lines 40-45.

As for claim 37, Jaeger fails to teach that the audible confirmation of the media source selected is a synthetic voice.

Jaeger teaches of using and storing synthetic voice for playback in column 9, lines 40-50.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the use of storing synthetic voice for playback as taught by Jaeger to provide audible confirmation of the media source selected with a synthetic voice in order to audibly confirm the user input.

As for claim 39, Jaeger teaches of a system for accepting user input, comprising:
at least one switch;
a display, wherein the display depicts menu options including: media content information;

control options, wherein the control options are displayed on the display near the switch
a pressure member disposed over the display
the pressure member being configured to accept a force exerted by a user within a section of the pressure member; the pressure member further coupled to the at least one switch such that a resulting force transmitted by the pressure member in response to a user applied force causes a switch actuation; and

at least one control, configured to accept one of a push and turn in order to select one of the menu options in column 11, lines 15-30 and in column 13, lines 30-40.

Jaeger fails to teach that at least a portion of the display is visible through the pressure member.

Jaeger teaches of the possibility that at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control in column 20, lines 63-65.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control as eluded to by Jaeger order to have the display be viewable to the user despite the buttons.

As for claim 40, Jaeger teaches or eludes that at least a portion of the at least one control is optically transparent, wherein the at least one control is positioned over the display and wherein information displayed by the display is visible through the at least one control in column 20, lines 63-65.

As for claims 41-42, Jaeger fails to teach that the display displays a color to provide user feedback {claim 41}

or that at least one control displays a color to provide user feedback {claim 42}

Examiner takes official notice that it is well known in the art to display displays a color to provide user feedback {claim 41} or that at least one control displays a color to provide user feedback {claim 42} when the apparatus acknowledges a certain input.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to display displays a color to provide user feedback {claim 41} or that at least one

control displays a color to provide user feedback {claim 42} in order to indicate to the user which input that been made.

As for claim 43, Jaeger teaches that at least one control displays an symbolic representation of a selected one of the media content source, mode and media content item in Fig. 32-33.

As for claim 45, Jaeger teaches of a system for accepting user input in a media player, comprising:

a display for displaying one of the media source, mode and media content item; at least one control, wherein the

at least one control has two degrees of freedom in actuation, wherein the at least one control is disposed over the display in column 11, lines 15-30 and in column 13, lines 30-40.

Jaeger fails to teach that at least a portion of the control is optically transparent such that at least a portion of the display is visible through the at least one control.

Jaeger teaches of the possibility that at least a portion of the control is optically transparent, such that at least a portion of the display is visible through the at least one control in column 20, lines 63-65.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the control is optically transparent, such that at least a portion of the display is visible through the at least one control as eluded to by Jaeger order to have the display be viewable to the user despite the buttons.

As for claim 46, Jaeger teaches of a media player for use in a motor vehicle, comprising:
a plurality of switches;
a display for displaying one of the media source, mode and media content item;
a pressure member coupled to at least one of the plurality of switches, the pressure member disposed over the display, the pressure member being configured to accept a force exerted by a user within a section of the pressure member; and
two controls, wherein each of the two controls is located to one side of the display and wherein the controls have two degrees of freedom in actuation in column 11, lines 15-30 and in column 13, lines 30-40.

Jaeger fails to teach that at least a portion of the display is visible through the pressure member.

Jaeger teaches of the possibility that at least a portion of the display is visible through the pressure member in column 20, lines 63-65.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the display is visible through the pressure member as eluded to by Jaeger order to have the display be viewable to the user despite the buttons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The examiner can normally be reached on 8:00-5:30 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tammy Pham
April 11, 2006


**KENT CHANG
PRIMARY EXAMINER**